

CHAPTER 67-21-06

FOOD DISTRIBUTION PROGRAM

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67-21-06-01. Purpose. The food distribution program, initiated at the federal level and in partnership with the states, is designed to make commodity foods available to participating states and local agencies to safeguard the health and well-being of the nation's people with better diets and to encourage the domestic consumption of nutritious agricultural commodities and other foods produced by American farmers.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54

67-21-06-02. State agency. The department of public instruction has been designated by the United States department of agriculture as the state agency in the state of North Dakota to assist in the implementation, maintenance, and funding of the program.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-03; 7 CFR 250.10

67-21-06-03. Use of federal rules and policies. Unless otherwise specified in this chapter, eligibility to participate in the food distribution program is governed by federal food distribution rules. The local program must conform to lawfully issued rules and policies relating to the food distribution program.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-03, 15-54-05; 7 CFR 250

67-21-06-04. Eligibility. Local agencies and programs eligible for participation in the food distribution program include:

1. Nonprofit summer camps for children.
2. Charitable institutions.
3. Nutrition programs for the elderly.
4. Disaster feeding organizations.
5. Food assistance in situations of distress.
6. School food authorities.
7. Nonresidential child and adult care institutions.
8. Soup kitchens and food banks.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-03, 15-54-05; 7 CFR 250.10

67-21-06-05. Agreements. A local agency shall enter into a written agreement with the department as outlined in 7 CFR 250. Signature by an authorized representative of the local agency or program will serve as verification. Such records must be maintained for three years after the end of the fiscal years to which they pertain.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-03, 15-54-05; 7 CFR 250.12

67-21-06-06. Distribution and control of donated foods. Donated foods shall be available for distribution and use in accordance with the provisions of 7 CFR 250. Donated foods may not be sold, exchanged, or otherwise disposed of without approval of the department. Any transfer of donated food must be documented. The quantity of donated foods to be made available is determined in accordance with pertinent legislation. Donated foods shall be requested and distributed only in quantities that can be consumed without waste. The department will consistently use the commodity value established by the United States department of agriculture in allocated commodity foods. The department will maintain a monthly distribution schedule that provides equitable and reliable deliveries to recipient agencies. The department will distribute donated foods only to recipient agencies that are eligible.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-03, 15-54-05; 7 CFR 250.13

67-21-06-07. Storage of commodity foods - Standards for storage facilities. Recipient agencies shall provide facilities for the handling, storage, and distribution of donated foods which are sanitary; provide safeguards against theft,

spoilage, and other loss; maintain foods at proper temperature; and stock and space foods in a manner so that the donated food is readily identified. Recipient agencies shall take a physical inventory of donated food annually. Excess inventory must be reported to the department.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-03, 15-54-05; 7 CFR 250.14

67-21-06-08. Financial management. Recipient agencies shall pay part of all of the direct costs for intrastate storage and distribution of donated food. The department shall advise agencies annually of the fees and processes for remitting payment for these services. Local agencies are responsible for payment of warehousing and transportation within thirty days of shipment. A notice of nonpayment must be sent to local agencies if payment is not received on time. If payment is not received within sixty days of shipment, future shipments may be canceled. Recipient agencies are required to replace or pay for loss or damaged food as stipulated in 7 CFR 250.15(c).

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-03, 15-54-04, 15-54-05; 7 CFR 250.15

67-21-06-09. Maintenance of records. Recipient agencies shall maintain accurate and complete records regarding the receipt, distribution, use, and inventory of donated food including end products processed from donated food. All records required under 7 CFR 250.16 must be retained for three years from the close of the fiscal year to which they pertain, unless there are claims or audit findings that have not been resolved.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-05; 7 CFR 250.16

67-21-06-10. Monitoring. The state agency shall conduct onsite reviews of local agency program operations once every four years for the purpose of providing guidance and technical assistance to local agencies.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-05, 28-32-02

Law Implemented: NDCC 15-54-05; 7 CFR 250.19

67-21-06-11. Buy American. Recipient agencies, whenever possible, shall purchase only food products that are produced in the United States when using federal funds.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-03, 15-54-05; 7 CFR 250.23

67-21-06-12. Civil rights. Local agencies shall comply with the United States department of agriculture nondiscrimination regulations as referenced in 7 CFR parts 15, 15a, and 15b, and with civil rights instructions.

History: Effective February 1, 2000.

General Authority: NDCC 15-54-03, 28-32-02

Law Implemented: NDCC 15-54-03; 7 CFR 250.21